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June 13, 2022

VIA ECF

Honorable Lewis A. Kaplan
United States District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Patricia Rodney v. City of New York, et al., 22-cv-1445 (LAK)

Your Honor:

I am a Senior Counsel in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York, Sgt. Henriquez, and Officer Clement. I write respectfully to request a two week extension of time for the defendants to file their motion to dismiss from June 13, 2022 to June 27, 2022. This is the third such request, to which plaintiff consents.

By way of background, plaintiff brings this action, pursuant to 42 U.S.C. § 1983, alleging false arrest, excessive force, and denial of the right to a fair trial, *inter alia*, against the City of New York, Officer Clemente, Officer Hernandez, and various John Doe officers.

Defendants intend to file a partial motion to dismiss dispositive of all claims other than plaintiffs' excessive force allegations. The undersigned mistakenly believed Your Honor required a pre-motion conference letter to be filed in advance of defendants' motion and was prepared to file a letter today. Having reviewed Your Honor's Individual Rules, defendants realized the mistake therefore require additional time to draft the motion itself. This extension of time would permit defendants to draft and file their motion to dismiss. Plaintiff's counsel has advised that they are considering a cross-motion. Defendants propose the following briefing schedule, with plaintiff's consent:

Defendants' Motion to Dismiss: June 27th
Plaintiff's Opposition/Cross motion, if any: July 25th
Defendant's Reply/Opposition to any Cross Motion: August 8th
Plaintiff's Cross Motion Reply, if any: August 22nd

Thank you for your consideration herein.

Respectfully submitted,

/s/

John Schemitsch
Senior Counsel

cc:

VIA ECF

Gideon Oliver, Esq.

Remy Green, Esq.

Attorneys for Plaintiff

Strickland
SO ORDERED
L. A. Kaplan
LEWIS A. KAPLAN, USDJ
6/14/22